

BILL NO. S-97-08-02

SPECIAL ORDINANCE NO. S-----74-97

**AN ORDINANCE APPROVING BOARD OF PUBLIC
WORKS RESOLUTION CONSENTING TO THE
ASSIGNMENT OF BROWNING FERRIS
INDUSTRIES, INC. CONTRACTS FOR
COLLECTION AND DISPOSAL OF YARD WASTE
AND CURBSIDE RECYCLING TO U.S.A. WASTE,
INC.**

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, approved Ordinances S-48-94 and S-47-94 wherein the City of Fort Wayne and Browning Ferris Industries, Inc. (hereinafter BFI, Inc.) entered into respective contracts for the collection and disposal of yard waste and curbside recycling in the City of Fort Wayne; and

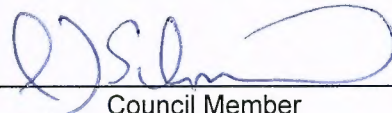
WHEREAS, BFI, Inc. has sold all its local assets to U.S.A. Waste Inc.; and

WHEREAS, BFI, Inc. desires to assign the obligations for performance under said contracts for the collection and disposal of yard waste and curbside recycling in the City of Fort Wayne to U.S.A. Waste, Inc.

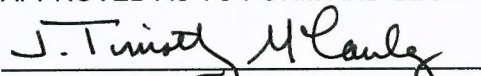
**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That Board of Works Resolution dated July 16, 1997, attached hereto and made a part hereof, consenting to the assignment of contracts for collection and disposal of yard waste and curbside recycling in the City of Fort Wayne from Browning Ferris Industries, Inc. to USA Waste, Inc. is hereby approved.

SECTION 2. That this Ordinance be in effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM AND LEGALITY


J. Timothy McCauley, City Attorney

BOARD OF WORKS RESOLUTION

WHEREAS, Browning Ferris Industries, Inc. (hereinafter BFI, Inc.), entered into a contract for the collection and disposal of yard waste and curbside recycling in the City of Fort Wayne, and

WHEREAS, BFI, Inc. is currently in compliance with the requirements of it's contract with the City of Fort Wayne, except that BFI, Inc. has failed to post a surety bond, and

WHEREAS, BFI, Inc. has sold all of it's equipment necessary for the performance of said contracts to USA Waste, Inc., and desires to assign the obligations for performance under said contracts to USA Waste, Inc.


NOW THEREFORE, in consideration of the recitations hereinabove stated and subject to the posting of a surety bond by USA Waste, Inc., the Board of Works hereby does consent to the assignment of the contracts for pick up and disposal of yard wasted and curbside recycling to USA Waste, Inc.

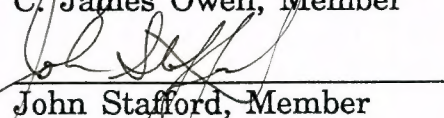
BE IT FURTHER RESOLVED that this resolution shall become effective upon the posting of the surety bond and upon the concurrence of the Common Council of the City of Fort Wayne.

Dated this 16 day of July, 1997.

**CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS**


Linda Buskirk, Director


C. James Owen, Member


John Stafford, Member



The City of Fort Wayne

Paul Helmke, Mayor

August 12, 1997

City of Fort Wayne
Common Council

Ladies and Gentlemen:

On June 27 of this year 1997 Browning Ferris Industries sold all local assets to U.S.A. Waste Inc. This included the collection and disposal of recyclable materials and green wastes for the residential collection contract for the City of Fort Wayne, Indiana. The Board of Public Works enacted a resolution approving this sale of assets on July 16, 1997. At this time all surety bonds have been posted and we await the concurrence of the Common Council.

Note: U.S.A. Waste has provided seamless service since initiating service on June 30, 1997.

Thomas E. Loraine, CHMM
Solid Waste Manager

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE SOLID WASTE

SYNOPSIS OF ORDINANCE APPROVES ASSIGNMENT OF CONTRACTS FOR COLLECTION AND
DISPOSAL OF YARD WASTE AND CURBSIDE RECYCLING TO U.S.A. WASTE, INC.

EFFECT OF PASSAGE ASSIGNMENT OF CONTRACTS APPROVED.

EFFECT OF NON-PASSAGE ASSIGNMENT OF CONTRACTS NOT APPROVED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Read the first time in full and on motion by Belmont,
and duly adopted, read the second time by title and referred to the Committee on
Finance (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on
the _____ day of _____, 19____ at _____
o'clock _____ M., E.S.T.

DATED: 8-12-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Belmont
and duly adopted, placed on its passage. PASSED
by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|----------|------|-----------|----------|
| TOTAL VOTES | <u>8</u> | | | <u>1</u> |
| BENDER | <u>✓</u> | | | |
| CRAWFORD | <u>✓</u> | | | |
| EDMONDS | <u>✓</u> | | | |
| HALL | <u>✓</u> | | | |
| HAYHURST | | | | <u>✓</u> |
| HENRY | <u>✓</u> | | | |
| LUNSEY | <u>✓</u> | | | |
| RAVINE | <u>✓</u> | | | |
| SCHMIDT | <u>✓</u> | | | |

DATED: 8-26-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____
(ZONING) _____ ORDINANCE _____ RESOLUTION NO. S-74-97
on the 26th day of August, 1997

ATTEST: _____ SEAL _____
Sandra E. Kennedy Thomas P. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
27th day of August, 1997,
at the hour of 11:30 o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day
of August, 1997, at the hour of 1:00
o'clock _____ M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. S-97-08-02

REPORT OF THE COMMITTEE ON FINANCE

DONALD J. SCHMIDT - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving Board of Public
Works Resolution consenting to the assignment of Browning Ferris
Industries, Inc. contracts for collection and disposal of yard waste
and curbside recycling to U.S.A. Waste, Inc.

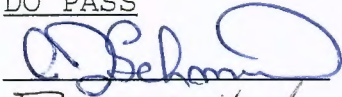
HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

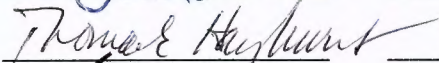
DO PASS

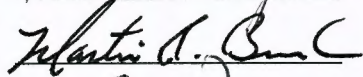
DO NOT PASS

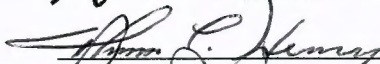
ABSTAIN

NO REC

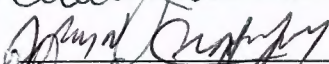


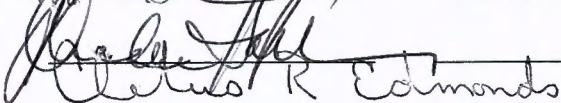












DATED: 8-26-87

Sandra E. Kennedy
City Clerk